

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 1997 - SB 2014**

February 18, 2018

**SUMMARY OF BILL:** Requires the State Board of Education (SBE) to require all applicants for teacher licensure to undergo a background check including fingerprinting by the Tennessee Bureau of Investigation (TBI) or the Federal Bureau of Investigation (FBI) at the applicant's expense.

Requires local boards of education and childcare programs to require teachers and other school personnel to undergo a background check every five years. Requires any person applying for educator childcare, or other positions with close proximity to children, including retired teachers, to undergo a background check upon application, but only if the person has not been subjected to an investigation within five years of the application.

Requires local education agencies (LEAs) to pay costs incurred for the background check. Authorizes LEAs to participate in the FBI's "Rap Back" program in lieu of requiring a background check every five years.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$244,900/TBI**

**Increase State Expenditures – \$143,000**

**Increase Local Expenditures -- Exceeds \$339,700\***

Assumptions Related to Department of Education Expenditures:

- The legislation requires all candidates for teacher licensure to undergo a background check with the cost of the background check paid for by the licensee.
- In order to process the rap sheets for teacher licensure, the Office of Educator Licensure will need an additional Attorney 1 position with a salary of \$62,784, benefits of \$17,671, and overhead of \$3,108, for a total of \$83,563 (\$62,784 + \$17,671 + \$3,108); as well as an Education Consultant 1 position with a salary of \$42,396, benefits of \$14,288, and overhead of \$2,729, for a total cost of \$59,413 (\$42,396 + \$14,288 + \$2,729).
- This will result in a recurring increase in state expenditures of \$142,976 (\$83,563 + \$59,413).

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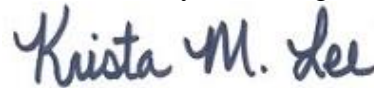
#### Assumptions Related to Background Check Expenditures:

- Under the provisions of the legislation, LEAs are responsible for financing the background check for employees every five years as well as for each applicant.
- LEAs have the following possible scenarios for choosing complying with the requirement:
  - The LEA may submit the requisite employee to a background check conducted by the Tennessee Bureau of Investigation (TBI) every five years at a marginal cost of \$32.65 as well as each applicant outside of the five year window to the same background check.
  - The LEA may require each employee and applicant to participate in the Federal Bureau of Investigations “Rap Back” program for background checks with a cost of \$6.00 for a five year subscription.
- Based on information from the DOE, LEAs have at least 7,500 applicants each year which would trigger the background check requirement of this legislation.
- It is assumed that LEAs will utilize the TBI background check for new applicants.
- This will result in a recurring increase in local expenditures of \$244,875 (7,500 x \$32.65). Correspondingly, there will be a recurring increase in state revenue to TBI estimated to be \$244,875.
- Based on information from the DOE, there are at least 79,000 educators (irrespective of other LEA employees) that will require background checks on a five year cycle.
- Annual background checks would be required for at least 20 percent of the 79,000 or 15,800 (79,000 x 20%) on average each year for educators beginning in FY18-19.
- LEAs will choose the Rap Back program for conducting background checks for these existing educators because it will be the least cost prohibitive option for compliance.
- The recurring increase in local expenditures is estimated to exceed \$94,800 (15,800 educators x \$6.00 rap back 5-year subscription cost) in FY18-19 and subsequent years.
- The mandatory recurring increase in local government expenditures related to the new background check requirement is estimated to exceed \$339,675 (\$94,800 + \$244,875) in FY18-19 and subsequent years.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

#### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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